

Serial No.: 09/738,801

Attorney Docket No.: 2000P9081US

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REMARKS

Upon entry of the instant Amendment, Claims 1-21 are pending. Claims 4, 10, 16 and 19 have been amended to more particularly point out Applicant's invention.

Claims 19 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Budge et al., U.S. Patent No. 6,014,689 ("Budge"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that the claimed invention is not taught, suggested or implied by Budge.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button, resulting in a video e-mail command. In response, the video input device sends video to the Web Access Device processor which is stored until for a predetermined period or the user clicks or pushes the button again. In addition, in some embodiments, responsive to the video e-mail command signal, the Web Access Device processor automatically activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file as an attachment to the e-mail.

Thus, claim 19 has been amended to recite "wherein the video e-mail command signal identifies a beginning of a capture of a video clip and causes the e-mail compose window to open." In contrast, Budge has separate signals/controls for activating a recording and for attaching a video file to an e-mail. In particular, Budge requires at least a RECORD, a SAVE, and a MAIL button to be activated. Because the same command does not activate the compose window and capture the video, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-7 and 9-18 were rejected under 35 U.S.C. 103 as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge") in view of Liwerant et al., U.S. Patent Publication No. 2005/0246752 ("Liwerant"). Applicant respectfully submits that

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the claimed invention is not taught, suggested, or implied by Budge or Liwerant, either singly or in combination.

Claim 1 has been amended to recite "automatically accessing said at least a portion from memory and attaching said at least a portion of said video as an attachment to an e-mail message without user interaction responsive to the deactivate signal;" claims 4 has been amended to recite "said Web Access device configured to receive video images from said video input device responsive to a video e-mail command signal and automatically open an e-mail compose window and attach, without user interaction, said video images to the e-mail compose window responsive to the video e-mail command signal for transmission as an attached e-mail file." Claim 10 has been amended to recite "said Web Access device configured to receive video images from said video input device and automatically open an e-mail compose window responsive to a video e-mail command signal and attach said video images to the e-mail compose window responsive to the video e-mail command signal for transmission as an attached e-mail file;" and claim 16 has been amended to recite "said Web Access device configured to receive video images responsive to a video e-mail command signal from said video input device and automatically open an e-mail compose window and attach, without user interaction, said video images to the e-mail compose window responsive to the video e-mail command signal for transmission as an attached e-mail file."

In contrast, as discussed above and in response to the previous Official Action, Budge appears to require the user to access (LOAD) a video file and then manually activate the MAIL button 670. Presumably, then, the user must manually attach the file. However, Budge does not appear, inter alia, to automatically attach, without user interaction, the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files.

Indeed, that Budge fails to teach such automatic attaching is acknowledged in the Official Action, which relies on Liwerant to provide such teaching. In particular,

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Liwerant is relied on for allegedly teaching "launching an e-mail" and "attaching...as an attachment...without user interaction."

However, as discussed in response to the previous Official Action, while Liwerant provides a "Share as a video email button" 810, Liwerant does not provide for attaching a video as an e-mail at all. Liwerant instead provides for embedding a Windows Media Player inside an e-mail with a link to a VideoShare hosting service (e.g., on host computer 60, which is separate from home PC environment 10). The video itself is not e-mailed; the player and link to the server (host) 60 is. Furthermore, the "launching" referred to in Liwerant does not relate to attaching; it relates to watching the video once it is received. Thus, if anything, Liwerant teaches away from the claimed invention. Thus, neither reference automatically attaches, without user interaction (responsive to a same signal), the video file to an e-mail compose window for transmission.

Applicant notes that paragraph 7 of the Official Action indicates that "one cannot show non-obviousness by attacking references individually where the rejections are based on the combination of references." Applicant is perfectly aware of this. However, Applicant is in fact addressing the rejection as delineated in the Official Action. Paragraph 4 of the Official Action states "[t]he claimed "attaching said at least a portion of said video as an attachment to an e-mail message without user interaction" is met by the automatic attachment of the video images to the e-mail compose window as illustrated in Figure 9 (Liwerant 0117)." (emphasis provided). Applicant's discussion of Liwerant thus directly addresses the Patent Office's erroneous reliance on Liwerant for teaching a feature of the claimed invention.

To the extent that Budge is relied on for attaching a video in an e-mail, however, as discussed above, it does not provide for automatically doing so in response to a same command, as generally recited in the claims at issue, and as discussed above.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection

Claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Budge, Liwerant, and Ludwig et al., U.S. Patent Application Publication No. 2005/0144284

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("Ludwig"). Budge and Liwerant have been discussed above. Ludwig is relied on for allegedly teaching a TV screen. However, like Budge and Liwerant, Ludwig does not appear to automatically open an e-mail window or attach the video file. On page 33, paragraph [0636], Ludwig clearly states "when a user, at 1404, initiates a new e-mail message, the source e-mail system queries, at 1406, whether the user intends to attach a video attachment to the e-mail."

Thus, any attaching occurs with manual selection and manual opening of the e-mail application by the user. Thus, if anything, Ludwig is representative of problems solved by the present invention, which provides a simplified method for generating and attaching video files to e-mail. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

Claim 21 was rejected under 35 U.S.C. 103 as being unpatentable over Budge. For reasons similar to those discussed above, Applicant respectfully submits that claim 21 is likewise non-obvious over Budge.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

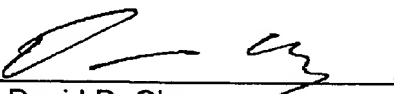
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